REMARKS

Claims 1, 34, 56, 59, 107, 109, 111-112 and 123 are amended. Claims 4, 58, 67-77 and 110 are cancelled without prejudice. Claims 78-106 were previously withdrawn. No new claims are added. Applicant expressly reserves the right to pursue the cancelled claims in one or more continuation or divisional applications. Claims 1-3, 5-57, 59-66, 107, 109, 111-120, and 122-123 are pending for consideration. In view of the following amendments and remarks, Applicant respectfully requests that this application be allowed and forwarded on to issuance.

Examiner Interview

Applicant respectfully thanks the Examiner for the time spent discussing the disposition of this case on November 13, 2007 and November 29, 2007 with Applicant's representative via telephone. During the discussion, the Applicant's representative and the Examiner discussed the cited art in view of the most recently filed Response, as well as some proposed claim amendments. However, no final agreement was reached during the telephonic interview. While Applicant believes that such modifications are unnecessary, in the spirit of advancing prosecution of this matter, Applicant has made the clarifying amendments listed above and discussed below.

Claim Objections

Claim 58 is objected to due to informalities (page 2 of Office action). As claim 58 has been cancelled as indicated above, the objection thereto is now moot.

§ 101 Rejections

Claim 123 stands rejected under 35 U.S.C. § 101 (pages 2-3 of Office action). Respectfully, the particular basis for the § 101 rejection is not completely clear in view of the explanation offered by the Office (*Id.*). However, it appears that the Office asserts, as a general principle, that means-plus-function claim language is not applicable to means that include, among other things, "software".

Applicant respectfully traverses the § 101 rejection of claim 123, as amended. Applicant asserts that claim 123, as amended, recites features and limitations that are well within the bounds of 35 U.S.C. § 101. Specifically, Applicant asserts that claim 123, as amended, recites only that subject matter that is both tangible in nature and fully supported by the Specification and Drawings. Applicant respectfully asserts that the § 101 rejection of claim 123, as amended, is unsupportable and must be withdrawn.

§ 102 and § 103 Rejections

Claims 1-2, 4, 7-9, and 14-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,850,245 ("Murashita").

Claims 34, 37-39 and 43-55 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,747,688 ("Kang").

Claims 11, 18-19, 26-31, 35, 40, 56-57, 60-64, 67-77, 107, 109, 116-120 and 122-123 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murashita in view of Kang.

Claims 41-42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kang in view U.S. Patent No. 6,771,323 ("Dean").

Claims 10, 16-17, 20-25 and 32-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murashita in view of Dean.

Claims 3, 5-6, and 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kang in view U.S. Patent No. 6,930,730 ("Maxon").

Claims 65-66 and 113-115 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murashita, Kang and Dean.

Claims 36, 58-59 and 110-111 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murashita, Kang and Maxon.

Claim 112 is not specifically rejected in the Office action. However, in accordance with the Telephonic interviews cited above, claim 112 is understood to be rejected under 35 U.S.C. § 103(a) as being unpatentable over Murashita and Maxon.

Applicant respectfully traverses the respective rejections of the claims as supported by the arguments below.

The Claims

Claim 1 has been amended and, as amended, recites one or more computer-readable media comprising computer-executable instructions that perform the following when executed by a computer:

- ***determine a type and a connection type of a display*** in use by a computer; and
- present, ***based on the type or the connection type*** of the display, instructions to aid a user in calibrating the display.

Applicant respectfully disagrees and traverses the Office's rejection.

Specifically, Murashita fails to determine a type and a connection type of a display in use by a computer, as recited by the subject matter of claim 1, as amended. Additionally, Murashita fails to present, based on the type or the connection type of the display, instructions to aid a user in calibrating the display, as recited by the subject matter of claim 1, as amended.

Rather, and as argued previously in prosecution, Murashita is directed to user-assisted recognition of various characteristics during adjustment of an electronic display (Abstract of Murashita). Murashita provides that display type identification (i.e., CRT or LCD) can be made based on user input (Fig. 7 of Murashita). However, Murashita is completely lacking any provisions directed to determining a **connection type** of a display. In fact, the term "connection", "connection type", or any of their respective equivalents, are completely lacking from Murashita.

In order to clarify the foregoing difference between the teachings of Murashita and the subject matter of claim 1 (as amended), select descriptions of exemplary implementations from the pending Application are reproduced below for convenience:

> The system 300 can stop here or continue to gather information from the user, such as a connection type for the user's display. At block 524, the system 300 presents television and computer connection types. Television connection types can include an S-video cable, a coaxial cable, a composite cable, and the like. Computer connection types can include those for DVI and VGA, as well as many-pronged connectors, universal connectors, and wireless connectors, to name a few. (Page 16, lines 17-23 of Application).

Although computer connection types including those for DVI and VGA, as well as many-pronged connectors, universal connectors, and wireless connectors are merely provided as examples, Murashita fails to address or provide any information in regard to connection types for a display. At the very least, Murashita is completely lacking a determination of a connection type. Moreover, Murashita is lacking a determination of ***both*** a type ***and*** a connection type for a display in use by a computer.

Applicant asserts that the § 102 rejection of claim 1, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 1, as amended, is allowable.

Claims 2-3 and 5-33 are allowable as depending from an allowable base claim, as well as for the respectively patentable subject matter that each recites.

Claim 34 has been amended, and as amended, recites one or more computer-readable media comprising computer-executable instructions that perform the following when executed by a computer:

- ***determine a type and a connection type of a display in use by a computer***; and
- present ***one or more photo-realistic motion videos*** to a user to aid the user in calibrating the display in use by the computer.

Applicant respectfully disagrees and traverses the Office's rejection.

Specifically, Kang fails to teach or suggest executable instructions that, when executed, determine a type and a connection type of a display in use by a computer, as recited in amended claim 34. Kang also fails to teach or suggest executable instructions that, when executed, present one or more photo-realistic motion videos to a user to aid the user in calibrating the display in use by the computer, as recited in claim 34, as amended.

Rather, Kang is directed to reproducing real colors on a display device through the use of first and second test video signals (Abstract; Fig. 1 of Kang). Kang also relates that at least the first test video signal (of the two) can be provided by a photographing device such as a digital camera or camcorder (Fig. 3; Col. 9, lines 23-24 of Kang). Kang states that a video signal generating device can be a compact disc player or a video tape player, in addition to a computer (Col. 8, lines 1-2 of Kang). Kang further relates that display adjustments can be made, including horizontal size, vertical size, contrast, brightness, etc. (Col. 4, lines 40-42 of Kang).

However, Kang provides nothing whatsoever regarding determining a type and a connection type of a display. More to the point, Kang is completely lacking the term "connection type" or any of its respective equivalents, in any context or for any purpose. Furthermore, Kang does not state that any of the video test signals comprises a photo-realistic ***motion video***. Kang simply provides that one of the first or second video test signals can be provided by way of a digital camera or camcorder. There is no provision for any **motion video** anywhere within Kang. In fact, Kang is completely devoid of the terms "motion video", "motion", "moving", or any of their respective equivalents, in any context.

Contrastingly, the present Application provides at least that:

> The calibration tool also enables a user to more easily and intuitively calibrate his or her display by presenting a **motion video** tailored to help the user calibrate a parameter of the display. This **motion video** can be **photo-realistic**, rather than appear technical in nature, which is more intuitive to many users. Also, instead of requiring the user to understand how a technical and/or computer-generated testing screen should look to optimize his or her display, the user instead can use something he or she intuitively understands to do so. In addition, **the motion video is moving,**

> which further enables a user to more easily calibrate his or her display for viewing movies, television, and the like.
>
> The present Application also provides:
>
> Second, the video 200 helps the user calibrate his display's centering and sizing parameters by how it is structured. The video 200, even **while showing people and objects in motion**, has certain unmoving (or only slightly moving) objects to aid the user. Both of the pool cues, a left pool cue 202 and a right pool cue 204 are partially shown and very thin. This aids the user because if the user calibrates the display to show the video 200 slightly too large, the pool cues will disappear, even with a very slight calibration error. Likewise, the left pool cue 202 will disappear if the video 200 is only very slightly moved too far left by the user's centering calibration. Similarly, the right pool cue 204 will disappear if the video 200 is only very slightly moved too far right. Also, if the user calibrates the display only slightly too far up or down, a left woman's head 206 or a left woman's heels 208 will be cut off. As a more general aid, the video 200 shows users a small 4x3 video 210 that shows how their display should look when the centering and sizing parameters are optimized.

The immediately foregoing excerpts describe exemplary implementations in which photo-realistic motion video includes various kinds of real life entities (e.g., people, etc), at least some of which are in motion. Thus, as exemplified above, a photo-realistic motion video may include a real-world scene comprising stationary and moving reference objects that are intuitive to a user and operate in a synergistic manner to facilitate a display adjustment process. Kang fails to provide, teach, or suggest these particular elements and/or a combination thereof, as Kang is concerned with compensating for color distortions within a video signal prior to the display of that signal on a display device (Abstract of Kang). In short, Kang is directed to solving a different problem in a different way than the subject matter of claim 34, as amended.

In view of the foregoing, Applicant asserts that the § 102 rejection of claim 34, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 34, as amended, is allowable.

Claims 35-55 are allowable as depending from an allowable base claim, as well as for the respectively patentable subject matter that each recites.

Claim 56 has been amended, and as amended, recites a method comprising:

- ***determining a type and a connection type of a display***; and
- presenting, ***based on the type or the connection type*** of the display, one or more ***photo-realistic motion videos*** to aid a user in calibrating the display.

Applicant respectfully disagrees and traverses the Office's rejection.

Firstly, neither Murashita nor Kang – alone or in any possible combination – teaches or suggests all of the respectively recited features and limitations of claim 56, as amended. Secondly, even *if* Murashita and/or Kang did teach or suggest all of the required features and limitations, any attempt to modify either reference (in view of the other) would require an impermissible change in the operating principle of the modified base reference.

A. Murashita and Kang Fail to Disclose Claimed Subject Matter

In particular regard to the first point, Murashita fails to teach or suggest determining a type and a connection type of a display, as recited by claim 56, as amended. Also, Murashita fails to teach or suggest presenting, based on the type or the connection type of the display, one or more photo-realistic motion videos to aid a user in calibrating the display, as recited by claim 56, as amended. Murashita is devoid of the terms "connection", "connection type", "motion", "movement", "motion video", "animation", or any of their respective equivalents, in any context or for any purpose.

Kang fails to cure these deficiencies of Murashita. Specifically, Kang fails to teach or suggest determining a type and a connection type of a display, as recited by claim 56, as amended. Also, Kang fails to teach or suggest presenting, based on the type or the connection type of the display, one or more photo-realistic motion videos to aid a user in calibrating the display, as recited by claim 56, as amended. Kang, like Murashita, is totally devoid of the terms "connection type", "motion", "movement", "motion video", "animation", or any of their respective equivalents, in any context or for any purpose.

There is no way to select elements from Murashita, and then to somehow combine those with other elements selected from Kang, in order to arrive at the subject matter recited by claim 56, as amended, as no possible combination of Murashita and Kang teaches or suggest all of the required features and limitations. At the very least, no possible combination of Murashita and Kang teaches or suggests: i) determining a type and a connection type of a display; or ii) presenting, based on the type or connection type of the display, one or more photo-realistic motion videos to aid a user in calibrating the display. The § 103 rejection of claim 56 (as amended) is unsupportable and must be withdrawn for at least the foregoing reasons.

B. Assertion to Modify References Impermissible

Assuming *for the sake of argument alone* that Murashita, when combined with Kang, does teach all of the required features (which it does not), the Office has nevertheless proposed a combination that is impermissible.

The Office states that "it would have been obvious... to modify the display termination taught by Murashita to include the motion video calibration taught by Kang..." (Page 16 of Office action). Thus, the Office asserts a specific modification of Murashita in view of Kang. However, such a modification would require a change in the principle of operation of Murashita. Such a modification is impermissible in view of MPEP 2143.01(VI).

In particular, Murashita is directed to presenting methods and means wherein *static* visual entities (e.g., colored objects, test bars, etc.) and simple user-choice queries are used as part of a display adjustment procedure. That is, Murashita is directed to a basic, non-moving-image approach and does not teach or suggest any photo-realistic motion video(s) be displayed. For example, Murashita is completely lacking any information regarding: storage media; access or playback of a photo-realistic motion video; persons or other content suitable or desirable for presentation in such a photo-realistic motion video; etc. Therefore, any assertion that Murashita can be modified to include and constructively utilize a photo-realistic motion video (i.e., recorded information) is unsupported in view of the deficiencies and the substantially different subject matter of Murashita.

In view of the foregoing, Applicant asserts that the § 103 rejection of claim 56, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 56, amended, is allowable.

Claims 57 and 59-66, as amended, are allowable as depending from an allowable base claim, as well as for the respectively patentable subject matter that each recites.

Claims 67-77 have been cancelled. Thus, the respective rejections of claims 67-77 are now moot.

Claim 107 has been amended and, as amended, recites a system comprising:

- a display having a screen capable of displaying ***display-type and connection-type options***;
- a user-input device capable of enabling a user to select one of the ***display-type options and one of the connection-type options***;
- a display calibration application capable of receiving the ***selected display-type option and the connection-type option*** and determining instructions to aid the user in calibrating the display based on the selected ***display-type option or the connection-type option***, wherein the instructions include one or more ***photo-realistic motion videos***, and wherein the display is further capable of displaying the instructions; and
- a computer capable of executing the display calibration application.

Applicant respectfully disagrees and traverses the Office's rejection.

Specifically, no possible or permissible combination of Murashita and Kang teaches or suggests all of the features and limitations as recited by the subject matter of claim 107, as amended. In particular, neither Murashita nor Kang teaches or suggests: i) a display having a screen capable of displaying display-type and connection-type options; ii) a user-input device capable of enabling a user to select one of the display-type options and one of the connection-type options; iii) a display calibration application capable of receiving the selected display-type option and the connection-type option and determining instructions to aid the user in calibrating the display based on the selected display-type option or the connection-type option; or iv) photo-realistic motion videos, as recited by the subject matter of claim 107, as amended.

In view of the foregoing, Applicant asserts that the § 103 rejection of claim 107, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 107, as amended, is allowable.

Claim 109 has been amended and, as amended, recites a method comprising:

- presenting graphics that illustrate multiple display types;
- ***presenting graphics that illustrate multiple display connection types***;
- ***receiving a selection of one of the multiple display types and one of the multiple display connection types***; and
- presenting, ***based on the selected display type or the selected display connection type***, instructions to aid a user in calibrating a display of the selected display type, wherein the ***presenting instructions include presenting a photo-realistic motion video.***

Applicant respectfully disagrees and traverses the Office's rejection.

Specifically, no possible or permissible combination of Murashita and Kang teaches or suggests all of the features and limitations as recited by the subject matter of claim 109, as amended. In particular, and at the very least, neither Murashita nor Kang teaches or suggests: i) presenting graphics that illustrate multiple display connection types; ii) receiving a selection of one of the multiple display types and one of the multiple display connection types; or iii) presenting, based on the selected display type or the selected display connection type, instructions to aid a user in calibrating a display of the selected display type, wherein the presenting instructions include presenting a photo-realistic motion video; as recited by the subject matter of claim 109, as amended.

In view of the foregoing, Applicant asserts that the § 103 rejection of claim 109, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 109, as amended, is allowable.

Claims 111-120 and 122, as respectively amended, are allowable as depending from an allowable base claim, as well as for the respectively patentable subject matter that each recites.

Claim 123 has been amended and, as amended, recites an apparatus comprising:

- means for determining ***a type and a connection type of a display in use by a computer***; and
- means for presenting, ***based on the type or the connection type of the display***, instructions to aid a user in calibrating the display, wherein the instructions include one or more ***photo-realistic motion videos.***

Applicant respectfully disagrees and traverses the Office's rejection.

In particular, no possible or permissible combination of Murashita and Kang teaches or suggests all of the features and limitations as recited by the subject matter of claim 123, as amended. Specifically, neither Murashita nor Kang teaches or suggests: i) means for determining a type and a connection type of a display in use by a computer; or ii) means for presenting, based on the type or the connection type of the display, instructions to aid a user in calibrating the display, wherein the instructions include one or more photo-realistic motion videos; as recited by the subject matter of claim 123, as amended.

In view of the foregoing, Applicant asserts that the § 103 rejection of claim 123, as amended, is unsupportable and must be withdrawn. Applicant further asserts that claim 123, as amended, is allowable.

Conclusion

The claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

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